ONTARIO

THE ONTARIO MUNICIPAL BOARD

145 Queen Street West
Toronto, 1.

61ST ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of The Board

During the Year Ended

December 31, 1966

TO: THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1960, Chapter 274

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ONTARIO

THE ONTARIO MUNICIPAL BOARD
145 Queen Street West
Toronto, 1.

PART I

ESTABLISHMENT AND OPERATION

The Ontario Municipal Board was established under the authority of The Ontario Railway and Municipal Board Act, 1906. The present organization of the Board is provided for in The Ontario Municipal Board Act, (R.S.O. 1960, c. 274). The Board carries out and performs statutory duties and functions only, and while it is a corporate body the practice is strictly followed of assigning members to specific applications which require a hearing and thereafter they are considered seized of such application. If a change must be made for an unavoidable reason the hearing is commenced de novo. The Board is given jurisdiction under a large number of statutes but its procedure and general powers are governed by The Ontario Municipal Board Act. Two members are a quorum to hear and dispose of any application and the Chairman may appoint one member to hear any application and report to the Board. In such cases the decision or order is made by two other members, one of whom must be the Chairman or a vice-chairman.

It will be noted in Part II that the number of Board members was increased in 1966 from 12 to 14.

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PART II

MEMBERSHIP AND ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows :

J. A. KENNEDY, Q.C. (Appointed October 1st, 1956)	Chairman
A. H. ARRELL, Q.C. (Appointed June 30th, 1961)	Vice-Chairman
H. E. ROBERTS, (Appointed June 30th, 1961)	Vice-Chairman
D. JAMIESON (Appointed December 1st, 1955)	Vice-Chairman
W. SHUB, Q.C. (Appointed June 1st, 1963) (Appointed Vice-Chairman October 1st, 1966)	Vice-Chairman
W. GREENWOOD, (Appointed January 1st, 1953)	Member
V. S. MILBURN, (Appointed April 1st, 1956)	Member
A. L. McCRAE, (Appointed December 1st, 1958)	Member
J. V. LUDGATE, (Appointed April 1st, 1962)	Member
F. G. BLAKE, (Appointed November 15th, 1962)	Member
R. M. McGUIRE, (Appointed November 1st, 1963)	Member
W. T. SHRIVES, (Appointed October 18th, 1965)	Member
W. H. J. THOMPSON, Q.C. (Appointed July 1st, 1966)	Member
R. J. MARIN, (Appointed September 1st, 1966)	Member

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B. VICKERS (Appointed April 1st, 1961)	Secretary
D. H. SUTHERLAND, (Appointed January 1st, 1963)	Registrar

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All Board members and staff are engaged full-time. The Board's Chambers during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

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PART III

JURISDICTION AND FUNCTIONS

The jurisdiction and function of this Board are a part of what is known as the administrative process. The Board is not a department of government but a tribunal exercising a wide variety of jurisdiction with respect to municipalities a great part of which was exercised at one time by the Executive Council of the province or by the Legislature.

Many matters which come before the Board are dealt with in a purely administrative manner and no hearing of any nature is held. The Board proceeds on information in writing filed by the applicant or other persons interested. Many applications of this nature dealt with in this way are applications for approval of capital expenditures.

There are a number of types of applications in respect of which the statute requires the Board to hold a public hearing, in some cases on notice to persons specified by the statute, and in other cases on such notice as the Board may determine.

There are also cases in which a public hearing is not required by statute but the Board on its own motion decides that a public hearing should be held.

When the Board does hold a hearing it is subject in law to the rules of natural justice which, as applied in this case, could be stated as follows:

1: The tribunal shall be free from bias.

2: All persons having an interest in the subject matter shall be heard.

In matters of law and jurisdiction there is an appeal from the Board to the Court of Appeal and on all matters there is an appeal to the Lieutenant-Governor in Council.

The actual duties and functions of the Board are found largely in The Municipal Act, The Assessment Act, The Planning

Act and the school acts, but in addition there is a myriad of other statutory provisions which confer jurisdiction on the Board in a very wide variety of cases. The functions and jurisdiction of the Board may be divided into two general categories :

1: Responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.

2: Jurisdiction as arbitrator in the first instance or by way of appeal to determine compensation to be paid by the Crown in the right of Ontario or its Crown corporations, by municipalities and other local authorities, and by certain private corporations.

These two divisions are reported on in Parts IV and V respectively of this report.

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PART IV

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

As noted in previous annual reports this part of the Board's jurisdiction can be divided under the following headings:

1: Constitution, Boundary Revision and Dissolution of Municipalities.

2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof.

3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision.

4: Assessment.

SECTION 1

Constitution, Boundary Revision and Dissolution of Municipalities

Given in Schedule "A" to this report is a list of twenty-five annexations ordered by the Board during the year, and five amalgamations. The Police Village of Smithville was dissolved effective January 1st, 1967.

SECTION 2

Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof

As in the year 1965, the municipalities which would benefit from the quota procedure filed in the year 1966 a five-year forecast of their anticipated capital expenditures. The Board follows a practice of studying such forecast before establishing a quota of capital expenditures for the municipality for the current year. The purpose of this procedure is to achieve a proper planning of capital expenditures at the local level. When the local authorities have studied their capital needs and their financial capacity to meet those needs, the result is that in most cases the necessary control is imposed at the local level with desirable respect for local autonomy and a minimum of restriction by this Board is necessary.

The number of municipalities placed on quota during the year was the same as the number so placed in 1965 and was as follows:

The Municipality of Metropolitan Toronto and Area Municipalities	14
- Cities	31
- Towns	64
- Townships	26
- Villages	7
- Improvement Districts	0
Total :	142

It is possible to provide a greatly streamlined procedure for the handling of applications from municipalities on quota since the amount of new debt they may incur has been studied and determined at the beginning of the year. In this connection advanced legislation was included in the recent amendments to The Municipality of Metropolitan Toronto Act whereby this Board is now empowered to approve one gross amount for capital expenditures for school construction in Metropolitan Toronto for the year. This amendment will remove one step in the procedure required for approval of school construction which in many cases has been found to be very cumbersome.

The Board also keeps watch over sharp increases in debt of a municipality and over special rates to be imposed to meet the cost of capital undertakings. In the latter case notice is directed to those sought to be specially assessed and if objection is made a hearing is held.

The following table shows the number of new capital expenditure applications received and the total amount approved in each of the last five years:

Year	Number	Amount
1962	2,344	$ 391,032,769.76
1963	2,107	382,913,130.95
1964	2,641	476,794,469.95
1965	2,690	510,137,199.62
1966	2,874	619,231,676.61

At the 1966 session the Legislature enacted The Ontario Education Capital Aid Corporation Act which provides that applications for loans to meet the cost of permanent improvements for school purposes shall be approved by this Board prior to the loan being granted by the Capital Aid Corporation.

This means that many separate school boards are now required, for the first time, to obtain the approval of this Board under Section 64 of The Ontario Municipal Board Act. It is understandable that this legislation has very greatly increased the number of applications to this Board for approval of capital expenditures for school purposes.

Ontario Water Resources Commission

The Ontario Water Resources Commission Act provides for the undertaking by the Commission on behalf of a municipality of the construction of water works and sewerage works. Since these projects create a debt of the municipalities they require the approval of the Board under Section 64 of The Ontario Municipal Board Act. When part of the cost is to be raised by a special rate the Board requires public notice and if objections are made a public hearing is held. During the year 1966 the Board received 53 applications from the Commission having a total value of $14,634,094.00.

SECTION 3

Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision

The jurisdiction of the Board under this heading is conferred by The Planning Act.

The various duties imposed on the Board by this Act and particularly by Section 30 which requires Board approval of every land use by-law, or amending by-law, passed under the authority of that section, brings before the Board for consideration difficulties and problems which are perhaps closer

to the interests and welfare of the private individual than nearly any other facet of civil government as distinguished from criminal jurisdiction. When one considers that the rights and interests of minorities are often different from the greatest common good of the whole community, and since normally the duty of local elected representatives is to serve the greatest common good, it follows that the rights of individuals or minorities and the decision made by local elected representatives are sometimes severely at variance. It should be remembered that when it is deemed just to approve the decision of the local elected representatives a bitter reaction frequently results from the minority or individuals who may suffer from such a decision and on the other hand, when local elected representatives have carefully and honestly considered a problem and arrived at a decision which in their opinion serves the greatest common good they are often bitter and vocally so when the Board finds it necessary to vary their decision to serve what the Board considers to be paramount private rights.

In this, as in all areas of the Board's jurisdiction, respect must be maintained for local autonomy. Only in case of clear merit is the decision of local elected representatives reversed.

The number of applications made to the Board under this legislation during the year, with figures for the two previous years, is as follows:

	1966	1965	1964
Applications for approval of restricted area by-laws	1184	1129	1134
Applications for approval of plans of redevelopment	8	3	1
Applications for approval of proposed plans of sub-division	18	12	29
Applications for approval of official plan amendments	41	21	25

	1966	1965	1964
Appeals to Board for a direction that a restricted area by-law be amended by council	43	47	45
Appeals from committees of adjustment	413	302	162

SECTION 4

Assessment Appeals

During the year 1966 assessment appeals were made to the Board under the several statutes as follows:

The Assessment Act	171
The Local Improvement Act	4

There were also filed during the year two appeals for a review of the division of liability among municipalities comprising high school districts.

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PART V

ARBITRATIONS IN RESPECT OF COMPENSATION FOR LANDS TAKEN OR INJURIOUSLY AFFECTED

The Board is given jurisdiction to determine compensation or damages to be allowed for lands taken or injuriously affected under various public statutes. The courts have held that in this field the Board must follow strict rules of evidence and what amounts to reasonably strict court procedure. As required by the rules of natural justice the Board's decisions must be based only on known evidence and after a full hearing conducted according to legal principles. During the year 1966 applications were made to the Board for compensation for damages to be allowed for lands taken or injuriously affected by authorities with the right of expropriation as follows:

	1966
The Conservation Authorities Act	18
The Highway Improvement Act	35
The Municipality of Metropolitan Toronto Act, 1953	1
The Municipal Act	57
The Ontario Energy Board Act	8
The Ontario Water Resources Commission Act	2
The Power Commission Act	8
The Public Service Works on Highways Act	2
The Public Works Act	8
The Schools Administration Act	6
The University Expropriation Powers Act, 1965	4
The University of Toronto Act, 1947	1

PART VI

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31st, 1966 and the preceding six years. In conformity with the present system of provincial accounting this table is given for the fiscal year only, in contrast to other statistics contained in this report, which are made for the calendar year ending December 31st, 1966.

Fiscal Year	Amount
1960-61	$ 320,021.63
1961-62	294,001.91
1962-63	319,036.12
1963-64	308,631.05
1964-65	309,066.04
1965-66	442,623.27

The revenues of the Board for the calendar year 1966 amounted to $536,256.06.

All of which is respectfully submitted.

J. A. KENNEDY
CHAIRMAN

R. SCOTT
ACTING SECRETARY

D. H. SUTHERLAND
REGISTRAR

This is SCHEDULE "A" to the 61ST ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1966, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Decisions Granting Annexations - 1966

Date of Decision		Effective Date	Area - acres
June 27, 1966	To : AYR VILLAGE From: North Dumfries Twp.	Jan. 1, 1967	39.49
Oct. 6, 1966	To : CALVERT TOWNSHIP From: Iroquois Falls Town	Jan. 1, 1967	-
Apr. 28, 1966	To : CHATHAM CITY From: Raleigh Township	July 1, 1966	68.87
Feb. 7, 1966	To : CHELMSFORD TOWN From: Balfour Township	Jan. 1, 1967	867.00
Oct. 14, 1966	To : ERIN VILLAGE From: Erin Township	Jan. 1, 1967	350.00
Nov. 17, 1966	To : GALT CITY From: North Dumfries Twp.	Jan. 1, 1967	0.641
June 27, 1966	To : GALT CITY From: North Dumfries Twp.	Aug. 1, 1966	100.00
May 16, 1966	To : HAGERSVILLE VILLAGE From: Walpole Township From: Oneida Township	Sept. 1, 1966	183.00 12.00
Mar. 30, 1966	To : HANOVER TOWN From: Bentinck Twp.	Jan. 1, 1967	150.80
Jan. 10, 1966	To : JARVIS VILLAGE From: Walpole Township	Apr. 1, 1966	202.25
Mar. 30, 1966	To : KINGSTON TOWNSHIP From Kingston City	July 1, 1966	-
Mar. 30, 1966	To : KINGSTON CITY From: Kingston Township	July 1, 1966	2.825
Feb. 10, 1966	To : KITCHENER CITY From: Waterloo Township	Jan. 1, 1967	2,047.50
Apr. 26, 1966	To : LONDON CITY From: London Township	Jan. 1, 1967	1,200.00
Oct. 6, 1965	To : MILTON TOWN From: Oakville Town) From: Esquesing Township)	Jan. 1, 1966	2,680.00

Schedule "A" continued

Date of Decision		Effective Date	Area - acres
Aug. 31, 1966	To : ORILLIA TOWN From: Orillia Township	Jan. 1, 1967	3,000.00
Jul. 6, 1966	To : OWEN SOUND CITY From: Sydenham Township	Jan. 1, 1967	1,285.00
Feb. 4, 1966	To : PETERBOROUGH CITY From: Otonabee Township	Mar. 1, 1966	90.00
Jan. 21, 1966	To : PORT CREDIT VILLAGE From: Toronto Township	Jan. 1, 1967	35.00
Mar. 1, 1966	To : TILLSONBURG TOWN From: Middleton Township	Apr. 1, 1966	67.00
Sept.30, 1966	To : TIMMINS TOWN From: Mountjoy Township	Jan. 1, 1967	357.00
Apr. 18, 1966	To : WATERFORD TOWN From: Townsend Township	July 1, 1966	271.13
Feb. 10, 1966	To : WATERLOO CITY From: Waterloo Township	Jan. 1, 1967	127.11
Nov. 24, 1966	To : WATERLOO CITY From: Waterloo Township	Jan. 1, 1967	347.75
Sept.26, 1966	To: : WOODSTOCK CITY From: Blandford Township) From: East Oxford Township)	Jan. 1, 1967	646.00

Amalgamations - 1966

Nov. 7, 1966	The Township of Capreol and The Township of Hanmer	Jan. 1, 1967
Sept.19, 1966	The Borough of East York. Amalgamating the Township of East York and the Town of Leaside	Jan. 1, 1967
Sept. 8, 1966	The Borough of Etobicoke. Amalgamating the Township of Etobicoke, the Village of Long Branch, the Town of Mimico and the Town of New Toronto	Jan. 1, 1967
Oct. 11, 1966	The City of Toronto, the Village of Forest Hill and the Village of Swansea	Jan. 1, 1967

Schedule "A" continued
(Amalgamations)

Date of Decision		Effective Date
Sept. 20, 1966	The Borough of York. Amalgamating the Township of York and the Town of Weston.	Jan. 1, 1967

* The last four amalgamations were effected by legislation and the Board's Orders determined incidental issues.

Dissolutions - 1966

Nov. 18, 1966	The Police Village of Smithville	Jan. 1, 1967

This is SCHEDULE "B" to the 61ST ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1966, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Classification of Municipal Capital Expenditures
Approved During 1966

I - MUNICIPAL

	Amount Approved	1966	1965
(1) General Government			
Civic Buildings	$ 8,227,814.84		
Civic Equipment	10,730.00	$ 8,238,544.84	$22,597,958.46
(2) Protection to Persons & Property			
Fire	1,623,921.64		
Police	3,934,193.00		
Street Lighting	926,226.42	6,484,341.06	2,966,031.75
(3) Public Works			
(a) Grade Separations	2,000,000.00		
Streets, Roads, Lanes	49,778,442.24		
Sidewalks	7,311,455.46		
Bridges	6,846,651.66		
Tunnels & Subways	2,775,300.00		
Road Machinery	1,129,022.79		
Conservation	893,265.36		
Waterways	1,257,257.56		
Workshops, Yards	536,956.12	72,528,351.19	99,418,056.39
(b) Watermains	20,469,769.63		
Sewers	41,421,455.01	61,891,224.64	52,984,054.78
(4) Sanitation & Waste Removal			
Sanitary Sewers	32,848,992.22		
Sewage Treatment	21,545,757.18		
Garbage	3,153,800.00		
Waste Collecting	735,500.00		
Comfort Stations	16,500.00		
Air Pollution	210,000.00		
Waste Pollution Control	4,050,000.00	62,560,549.40	43,499,688.05
(5) Health			
Hospitals	5,720,885.20	5,720,885.20	15,692,240.18
(6) Social Welfare			
Homes for Aged	5,989,598.41		
Charitable Institutions	51,000.00	6,040,598.41	5,149,923.00
(7) Recreation Services			
Amusement Parks	5,444,135.00		
Skating Rinks, Arenas	3,298,382.86		
Swimming Pools	2,993,388.00		
Community Centres	3,051,304.74	14,787,210.60	14,455,885.15

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Schedule "B" continued

	Amount Approved	1966	1965
(8) Community Services			
Theatres, Art Galleries	$ 1,200,000.00		
Exhibitions & Fairs	1,800,000.00		
Libraries	2,778,560.77		
Museums, Markets	88,000.00		
Housing	5,726,448.00	11,593,008.77	7,430,130.00
Total General Government		$249,844,714.11	$264,193,967.76

II - EDUCATION

Elementary Schools	$133,033,548.40		
Secondary Schools	184,727,452.01	$317,761,000.41	$194,223,882.46

III - UTILITIES and MUNICIPAL ENTERPRISES

Gas	$ 338,750.00		
Electric Utilities	17,818,526.00		
Water Works	14,429,283.06		
Telephone Municipal	370,000.00		
Transportation	1,476,033.74		
Acquisition of Lands	8,137,214.59		
Others - including Parking Lots	9,056,154.70	$ 51,625,962.09	$ 51,719,349.40

S U M M A R Y

General Government	$249,844,714.11	$264,193,967.76
Education	317,761,000.41	194,223,882.46
Municipal Enterprises	51,625,962.09	51,719,349.40
	$619,231,676.61	$510,137,199.62